

**567** \* After which a proper and sufficient bond having been filed and approved, an injunction was granted as prayed, and issued accordingly.

The defendant Gilbert sent a paper purporting to be his answer by mail directed to the Chancellor; which, although not sworn to, was filed, on the 28th of December, 1824, as the defendant's answer. In the month of March, 1825, the plaintiff Billingslea was taken with a severe illness, and his health continued from that time to be very bad, he being often confined to his bed, and his mind becoming very much impaired, until the following month of December, when he died. At the July Term of the year 1825, the defendant entered upon the docket notice of a motion to dissolve the injunction at the next term, unless cause shewn; and accordingly, after the fourth day of the then next succeeding term, no one appearing to shew cause, it was dissolved under the rule. After which, on the 10th of July, 1827, it appears by an entry on the docket, that the suit was dismissed by order of the complainant's solicitor. On the 7th of April, 1829, Elizabeth Billingslea, as administratrix of the late plaintiff, filed her petition, on oath, stating these circumstances, and averring, that the dissolution of the injunction had been obtained by fraudulent practices, and praying that it and the suit might be reinstated; and for general relief.

BLAND, C., 7th April, 1829.—Ordered, that the matter of this petition stand for hearing on the 24th instant; and that the parties be permitted to take testimony before any justice of the peace to be read at the hearing on giving two days' notice as usual; and it is further ordered, that the injunction in the petition mentioned be and the same is hereby revived until the said hearing or further order. Provided, that a copy of this order, together with a copy of the petition be served on Jarvis Gilbert on or before the fourteenth instant.

After which the case was again brought before the Court.

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insolvent, the Court will order new security, or that the injunction be dissolved; and, if the Court has been imposed on, no time will be allowed to give new security. Such matter may be enquired into by allowing testimony to be taken, and appointing a day for hearing.

WHITNEY *v.* MUSCHET.—KILTY, C., MS. 1808.—An injunction bond to stay proceedings at law should state the term at which the judgment was obtained.

COUNSELMAN *v.* GAITHER.—KILTY, C., MS. 1810.—Ordered that, instead of an injunction bond, on the money appearing to be due by the execution issued, being paid to the register, which he is directed to receive and deposit in the usual manner, an injunction be issued as prayed.